COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ARBITRATION PETITION NO.13 OF 2005

M/S Gherzi Easterns Ltd. AB-7, IInd Floor, Community Centre, Safdarjung Enclave, New Delhi- 110029

..... Petitioner

Versus

Mussorie Dehradun Development Authority,
Through its Vice Chairman, 12 Preetam Road,
Dehradun – 248221, Uttaranchal

..... Respondent

Shri P.S. Rawat learned cousel for the petitioner.
***Sri Sudhanshu Dhulia, Senior Advocate, learned counsel for the* respondent**

Dated: 18.11.2005

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for issuance of an order for filing the original Arbitration Agreement in this Court and further to refer the dispute/claims as mentioned in Para No.IX of the petition to the Arbitrator.

The short dispute involved in the writ petition is that in agreement clause, the Arbitrator is Secretary, Urban Development, Govt of Uttaranchal, Dehradun. The petitioner raised the contractual dispute but no reference was made by the respondent to the Secretary, Urban Development, Govt. of Uttranchal, Dehradun. In this case when the dispute was raised by the petitioner, the respondent was duty-bound to refer the matter to the Arbitrator as per the agreement clause.

Learned counsel for the respondent Sri Sudhanshu Dhulia has given shall be referred to the Secretary, Urban Development, Govt. of Uttaranchal, Dehradun, within a week from the date of production of certified copy of this order.

In view of this statement given by learned counsel for the respondent, no order is required to be passed. The arbitration petition is disposed of accordingly.

(P.C. Verma, J.)

Rajeev Dang